

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIFTH DAY — THURSDAY, APRIL 24, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 328).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

The invocation was offered by Reverend Wally Cobb, pastor, Champion Forest Baptist Church, Houston, as follows:

Sovereign God, our Heavenly Father, assembled here in this chamber are one hundred and fifty men and women who have been elected to represent the citizens of Texas. Together we stand to give you praise because you are sovereign over all, the true and living God—all present, all powerful, and all knowing.

We give you thanks, Holy Father, for the rich blessings that you have poured out upon Texas. We give you thanks for the freedom that we enjoy; for the prosperity that you granted to this state that is unequaled anywhere else on the earth. We give you thanks for the responsibilities that you have entrusted to this house of representatives, all men and women equal to the tasks under your sovereign leadership.

We give you thanks for our seven POWs who have been returned to their bases here in Texas, and for the nearing of the end of the war in Iraq. We humbly ask that our forces be returned to families and homes very soon, with no more casualties.

Sovereign God, we humbly confess that we are a sinful people. We ask that you will make us aware of the sins we need to confess to you so that we may receive your forgiveness. Your word tells us that "Righteousness exalts a nation, but sin is a disgrace to any people." So forgive us and cleanse us so we may have your leadership in all deliberations.

Grant that a spirit of unity and understanding will prevail in this chamber for the benefit of all Texans. Give these chosen representatives the grace to be careful to learn your will for every vote that is taken. Cause a spirit of respect to be evident here, for the sake of the work to be done for Texas. Make the work of this session of the legislature become a measuring stick for legislatures to come. Allow these men and women to be known in Texas history as those whose objectives were for Texans, even above party lines. Grant them wisdom, courage, and vision beyond their experience, training, and personal goals. Holy Father, turn our hearts to you and teach us to pray as we have been taught, "Our Father which art in heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. Lead us not into temptation, but deliver us from evil. For thine is the kingdom, the power, and the glory, forever." Amen.

CAPITOL PHYSICIAN

The speaker recognized Representative Kolkhorst who presented Dr. Robert Stark of Brenham as the "Doctor for the Day."

The house welcomed Dr. Stark and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Isett on motion of Hupp.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Allen in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 28).

(Speaker in the chair)

HR 54 - ADOPTED**(by Campbell)**

Representative Campbell moved to suspend all necessary rules to take up and consider at this time **HR 54**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 54, In memory of the Reverend Quinton H. Blackmon of San Angelo.

HR 54 was unanimously adopted by a rising vote.

HR 663 - ADOPTED**(by Wise)**

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 663**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 663, Honoring Principal Emilio T. Garcia, Jr., of the Mercedes Alternative Academy for his commitment to education.

HR 663 was adopted without objection.

HR 901 - ADOPTED**(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 901**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 901, Honoring Don and Rosie Benton of West Tawakoni on their 50th wedding anniversary.

HR 901 was adopted without objection.

HR 895 - ADOPTED**(by Hopson)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 895**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 895, Welcoming the Jacksonville Leadership Institute to the Capitol.

HR 895 was adopted without objection.

HR 765 - ADOPTED
(by Chavez, Alonzo, Garza, Hodge, and Wise)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 765**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 765, Commemorating the release of a U.S. stamp honoring Cesar Chavez.

HR 765 was adopted without objection.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 765** as signers thereof.

HR 797 - ADOPTED
(by T. Smith)

Representative T. Smith moved to suspend all necessary rules to take up and consider at this time **HR 797**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 797, Honoring the Texas Council of Child Welfare Boards on the occasion of its 25th anniversary.

HR 797 was adopted without objection.

HR 533 - ADOPTED
(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 533**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 533, Honoring Tom Lucenay as the 2003 Hewitt Hero.

HR 533 was adopted without objection.

HCR 203 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HCR 203**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 203, Designating April 2003 as Sexual Assault Awareness Month in Texas.

HCR 203 was adopted without objection.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 263 ON THIRD READING
(Gallego - House Sponsor)**

SB 263, A bill to be entitled An Act relating to the continuation and functions of the State Board of Dental Examiners.

A record vote was requested.

SB 263 was passed by (Record 329): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Castro; Eiland; McCall; Olivo; Wilson.

**SB 260 ON THIRD READING
(Solomons, Chisum, Gallego, and Dunnam - House Sponsors)**

SB 260, A bill to be entitled An Act relating to continuation and functions of the Texas Board of Professional Land Surveying.

A record vote was requested.

SB 260 was passed by (Record 330): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Dutton; Homer; Jones, J.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 416 ON THIRD READING
(Flores - House Sponsor)**

SB 416, A bill to be entitled An Act relating to the regulation of boilers.

SB 416 was passed.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 1218 ON THIRD READING
(by Chisum, Gallego, Solomons, Dunnam, and Martinez Fischer)**

HB 1218, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Public Accountancy; providing penalties.

Amendment No. 1

Representative Homer offered the following amendment to **HB 1218**:

Amend **HB 1218**, on third reading, by adding the following SECTION appropriately numbered and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 111.006(a), Tax Code, is amended to read as follows:

(a) The following matter is confidential and may not be used publicly, opened to the public inspection, or disclosed except as permitted by this section:

(1) a federal tax return or federal tax return information required to have been submitted to the comptroller with a state tax return or report; ~~and~~

(2) all information secured, derived, or obtained by the comptroller or the attorney general during the course of an examination of the taxpayer's books, records, papers, officers, or employees, including an examination of the business affairs, operations, source of income, profits, losses, or expenditures of the taxpayer; and

(3) the name or other identifying information of a taxpayer that has been selected for or is undergoing an examination by the comptroller under this subtitle until the comptroller has:

(A) issued a determination under Section 111.008 or 111.022; or

(B) credited or issued a refund to the taxpayer under Section

111.104.

Amendment No. 1 was adopted without objection.

HB 1218, as amended, was passed.

HB 493 ON THIRD READING

(by J. Jones, Olivo, et al.)

HB 493, A bill to be entitled An Act relating to the continuation of the Texas Department on Aging.

HB 493 was passed.

HB 1856 ON THIRD READING

(by Allen)

HB 1856, A bill to be entitled An Act relating to a review of the operations of the Windham School District by the Sunset Advisory Commission.

HB 1856 was passed.

HB 1549 ON THIRD READING

(by Denny, Howard, Uresti, J. Jones, and Heflin)

HB 1549, A bill to be entitled An Act relating to changes required in election laws to implement the federal Help America Vote Act of 2002.

HB 1549 was passed.

HR 860 - ADOPTED

(by Mercer)

Representative Mercer moved to suspend all necessary rules to take up and consider at this time **HR 860**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 860, Honoring The University of Texas at San Antonio women's basketball team for winning the 2003 Southland Conference regular season championship.

HR 860 was adopted without objection.

HR 903 - ADOPTED

(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 903**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 903, Commending the Rio Grande Valley Teachers Association on its contributions to the field of education.

HR 903 was adopted without objection.

HR 904 - ADOPTED

(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 904**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 904, Honoring Allan Ray Brumley for his outstanding service to the Harlingen C.I.S.D.

HR 904 was adopted without objection.

SPEAKER'S REUNION DAY

In recognition of past service, former members were introduced at the podium. The speaker announced that the Speaker's Reunion Day luncheon would be held during recess.

RECESS

Representative Lewis moved that the house recess until 1:30 p.m.

The motion prevailed without objection.

The house accordingly, at 11:44 a.m., recessed until 1:30 p.m.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker pro tempore.

HR 626 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 626**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 626, Honoring Houston's Phillis Wheatley High School Class of 1963 on its 40th reunion.

HR 626 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HR 909 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 909**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 909, Honoring Michael Donald Neely of Houston for his work with the Lakewood Church Men's Ministry.

HR 909 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 18).

REGULAR ORDER OF BUSINESS SUSPENDED

Representative Woolley moved to suspend all necessary rules to allow the house to consider all house bills on third reading that appear on the General State Calendar before the house bills on second reading that appear on the Major State Calendar on today's Supplemental House Calendar.

The motion prevailed without objection.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 411 ON THIRD READING (by Grusendorf)

HB 411, A bill to be entitled An Act relating to improvement of science instruction and student performance in public schools.

HB 411 was passed.

HB 426 ON THIRD READING**(by Christian, Miller, Homer, Eissler, Isett, et al.)**

HB 426, A bill to be entitled An Act relating to the adoption of state agency rules that impose certain costs on local governments or persons.

HB 426 was passed.

HB 1770 ON THIRD READING**(by Keel, Naishtat, Stick, Hilderbran, and Dukes)**

HB 1770, A bill to be entitled An Act relating to the creation and taxes of a library district.

A record vote was requested.

HB 1770 was passed by (Record 331): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Crownover; Farrar; Homer; Jones, J.; Mabry; Moreno, J.; Solis; Uresti; Villarreal.

HB 1037 ON THIRD READING**(by Ritter, Casteel, Deshotel, et al.)**

HB 1037, A bill to be entitled An Act relating to a courthouse security fee collected in civil case filings.

HB 1037 was passed.

HB 2169 ON THIRD READING**(by Telford, Ritter, Menendez, Flores, et al.)**

HB 2169, A bill to be entitled An Act relating to the payment of retirement benefits to retirees who are employed by certain public educational institutions.

HB 2169 was passed.

HB 1616 ON THIRD READING**(by Farabee and E. Jones)**

HB 1616, A bill to be entitled An Act relating to state energy conservation office cooperation with federal programs related to research on and development and demonstration of fuel cells.

A record vote was requested.

HB 1616 was passed by (Record 332): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Capelo; Crownover; Dawson; Eissler; Howard; Mabry; Moreno, J.; Puente; Solis.

STATEMENTS OF VOTE

When Record No. 332 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 332 was taken, I was in the house but away from my desk. I would have voted yes.

Puente

HB 292 ON THIRD READING**(by Reyna, Ritter, and Keel)**

HB 292, A bill to be entitled An Act relating to the taking of a specimen of a person's breath or blood in connection with certain alcohol-related offenses.

HB 292 was passed.

HB 406 ON THIRD READING**(by Miller, et al.)**

HB 406, A bill to be entitled An Act relating to proceeds received by a person accused or convicted of a crime from publicizing the crime.

HB 406 was passed.

HB 670 ON THIRD READING**(by Phillips and Paxton)**

HB 670, A bill to be entitled An Act relating to the use of pseudonyms for victims of certain criminal offenses connected to the commission of a sex offense.

HB 670 was passed.

HB 1330 ON THIRD READING**(by McReynolds and Christian)**

HB 1330, A bill to be entitled An Act relating to medical information on a driver's license.

HB 1330 was passed.

HB 725 ON THIRD READING**(by Haggerty and Ellis)**

HB 725, A bill to be entitled An Act relating to the participation of community supervision and corrections department employees, retired employees, and dependents of employees and retired employees in the group benefits program for state employees.

HB 725 was passed.

HB 593 ON THIRD READING**(by Dukes)**

HB 593, A bill to be entitled An Act relating to the eligibility of certain persons to contract with a state agency.

HB 593 was passed.

HB 1458 ON THIRD READING**(by Eiland and Menendez)**

HB 1458, A bill to be entitled An Act relating to criminal obstruction of or retaliation against an honorably retired peace officer.

HB 1458 was passed.

HB 1324 ON THIRD READING
(by B. Brown, Geren, and Miller)

HB 1324, A bill to be entitled An Act relating to the sale and slaughter of equine animals.

HB 1324 was passed. (Bailey, Bohac, Coleman, Hilderbran, and Keel recorded voting no)

HB 21 ON THIRD READING
(by Corte and Laubenberg)

HB 21, A bill to be entitled An Act relating to admission to and discharge from facilities for voluntary inpatient mental health services for persons younger than 18 years of age.

A record vote was requested.

HB 21 was passed by (Record 333): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Crownover; Dutton; Elkins; Farrar; Moreno, J.; Moreno, P.; Naishtat; Solis; Wolens.

HB 111 ON THIRD READING
(by Chavez and Wohlgemuth)

HB 111, A bill to be entitled An Act relating to responsibility for payment for transport by ambulance of a recipient of medical assistance in certain circumstances.

A record vote was requested.

HB 111 was passed by (Record 334): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Branch; Crownover; Deshotel; Hupp; Madden; Merritt; Moreno, P.; Zedler.

STATEMENT OF VOTE

When Record No. 334 was taken, my vote failed to register. I would have voted yes.

Hupp

HB 162 ON THIRD READING

(by Flores and Isett)

HB 162, A bill to be entitled An Act relating to the requirements for a petition to change the name of an adult.

HB 162 was passed.

HB 177 ON THIRD READING

(by McCall and Castro)

HB 177, A bill to be entitled An Act relating to the regulation of certain international matchmaking organizations; providing a civil penalty.

HB 177 was passed.

HB 219 ON THIRD READING**(by Hope, et al.)**

HB 219, A bill to be entitled An Act relating to the display of the United States national motto in public elementary and secondary schools and institutions of higher education.

A record vote was requested.

HB 219 was passed by (Record 335): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Burnam; Chavez; Coleman; Crownover; Delisi; Grusendorf; Marchant; Menendez; Morrison.

STATEMENT OF VOTE

When Record No. 335 was taken, I was in the house but away from my desk. I would have voted yes.

Grusendorf

HB 261 ON THIRD READING**(by Hupp, Delisi, Miller, and Riddle)**

HB 261, A bill to be entitled An Act relating to the eligibility of armed forces personnel and their family members to pay tuition and fees at the rate provided to Texas residents.

A record vote was requested.

HB 261 was passed by (Record 336): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Dutton; Moreno, P.; Telford.

HB 298 ON THIRD READING **(by Miller)**

HB 298, A bill to be entitled An Act relating to prohibiting the disclosure of personal customer information by the Parks and Wildlife Department.

A record vote was requested.

HB 298 was passed by (Record 337): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Canales; Capelo; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez;

Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Campbell; Casteel; Farabee; Homer; Moreno, P.; Talton.

STATEMENT OF VOTE

When Record No. 337 was taken, I was in the house but away from my desk. I would have voted yes.

Talton

HB 335 ON THIRD READING

(by Hamric, et al.)

HB 335, A bill to be entitled An Act relating to the public sale of certain real property; providing penalties.

HB 335 was passed.

HB 405 ON THIRD READING

(by Miller, Hupp, Delisi, et al.)

HB 405, A bill to be entitled An Act relating to resident tuition for military personnel and their dependents.

A record vote was requested.

HB 405 was passed by (Record 338): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberger; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Dawson; Lewis; McReynolds; Moreno, P.

HB 443 ON THIRD READING
(by Denny, et al.)

HB 443, A bill to be entitled An Act relating to providing notice concerning certain school district purchases.

Amendment No. 1

Representative Hill offered the following amendment to **HB 443**:

Amend **HB 443**, second reading engrossment, as follows:

(1) On page 1, line 13, strike "using a reasonable font".

(2) On page 1, line 20, strike "using a reasonable font".

(3) On page 2, lines 1-3, strike "The district shall include the Internet websites of the school district and the electronic procurement marketplace in its posting" and substitute "A district that publishes notice in a newspaper shall include the Internet website addresses of the district and of the electronic procurement marketplace in the published notice"

(3) On page 2, strike lines 6-9, and substitute the following:

(g-1) Notwithstanding Subsection (g), if a school district publishes notice in a newspaper under Subsection (g) and the district determines that a sufficient number of bids, proposals, or responses have been received, the district is not required to continue to publish notice in the newspaper after the first week of publication. The board of trustees of the district shall adopt guidelines to assist the district in determining whether the district has received a sufficient number of bids, proposals, or responses.

Amendment No. 1 was adopted without objection.

HB 443, as amended, was passed.

HB 518 ON THIRD READING
(by Menendez)

HB 518, A bill to be entitled An Act relating to the service of citation by publication in a suit affecting the parent-child relationship.

Amendment No. 1

Representative Menendez offered the following amendment to **HB 518**:

Amend **HB 518** on third reading, on page 1, line 12 (second reading engrossment), by striking "and" and substituting "or".

Amendment No. 1 was adopted without objection.

HB 518, as amended, was passed. (D. Jones recorded voting no)

HB 547 ON THIRD READING
(by Wohlgemuth)

HB 547, A bill to be entitled An Act relating to the distance between certain pits that are part of quarrying operations and adjacent property.

HB 547 was passed.

HB 745 ON THIRD READING**(by T. Smith, Peña, and Zedler)**

HB 745, A bill to be entitled An Act relating to the punishment prescribed for and conditions of community supervision imposed on certain persons who commit intoxication offenses.

HB 745 was passed.

HB 913 ON THIRD READING**(by Goodman and Dutton)**

HB 913, A bill to be entitled An Act relating to the conservatorship of, and the possession of and access to, a child.

HB 913 was passed.

HB 975 ON THIRD READING**(by Puente)**

HB 975, A bill to be entitled An Act relating to the plugging of abandoned or deteriorated water wells.

A record vote was requested.

HB 975 was passed by (Record 339): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Morrison; Turner(C).

Absent, Excused — Isett.

Absent — Coleman; Dunnam; Villarreal.

HB 1077 ON THIRD READING**(by J. Jones and Y. Davis)**

HB 1077, A bill to be entitled An Act relating to removal of remains interred in a cemetery.

HB 1077 was passed.

HB 1125 ON THIRD READING**(by Flores)**

HB 1125, A bill to be entitled An Act relating to the period for the redemption of a mineral interest sold for unpaid ad valorem taxes at a tax sale.

HB 1125 was passed.

HB 1146 ON THIRD READING**(by Dutton)**

HB 1146, A bill to be entitled An Act relating to a limitation on audits of an open-enrollment charter school.

HB 1146 was passed.

HB 318 ON THIRD READING**(by Grusendorf)**

HB 318, A bill to be entitled An Act relating to certification to teach school of individuals who hold bachelor's degrees.

A record vote was requested.

HB 318 was passed by (Record 340): 78 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dutton; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; Mercer; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Brown, F.; Burnam; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Haggerty; Hamilton; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, D.; Keel; Kuempel; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Bonnen; Canales; Jones, J.; McReynolds; Miller.

STATEMENTS OF VOTE

When Record No. 340 was taken, I was in the house but away from my desk. I would have voted no.

McReynolds

When Record No. 340 was taken, my vote failed to register. I would have voted yes.

Miller

HB 2723 ON THIRD READING

(by Gutierrez)

HB 2723, A bill to be entitled An Act relating to alternative teaching certification of persons holding certain advanced academic degrees.

Representative Gutierrez moved to postpone consideration of **HB 2723** until the end of the third reading calendar.

The motion prevailed without objection.

HB 408 ON THIRD READING

(by Miller)

HB 408, A bill to be entitled An Act relating to the liability of landowners for certain uses of their land.

HB 408 was passed.

HB 1173 ON THIRD READING

(by Madden, et al.)

HB 1173, A bill to be entitled An Act relating to the use of a building on a federal military base or facility as a polling place in an election.

A record vote was requested.

HB 1174 was passed by (Record 341): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.;

Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Burnam; Canales; Elkins; Jones, J.; Ritter; Telford; Thompson.

HB 1202 ON THIRD READING

(by Dutton)

HB 1202, A bill to be entitled An Act relating to recovery of certain funds received by an open-enrollment charter school.

A record vote was requested.

HB 1202 was passed by (Record 342): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Alonzo.

HB 1204 ON THIRD READING

(by Baxter)

HB 1204, A bill to be entitled An Act relating to the authority of municipalities and counties to regulate subdivisions and certain development in a municipality's extraterritorial jurisdiction.

A record vote was requested.

HB 1204 was passed by (Record 343): 138 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Burnam; Cook, B.; Jones, D.; Rodriguez.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Coleman; Jones, J.; King; Quintanilla.

STATEMENT OF VOTE

I was shown voting no on Record No. 343. I intended to vote yes.

B. Cook

HB 1370 ON THIRD READING (by Luna)

HB 1370, A bill to be entitled An Act relating to the study and implementation of seawater desalination.

A record vote was requested.

HB 1370 was passed by (Record 344): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown;

Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Canales; Deshotel; Grusendorf; Jones, D.; Jones, J.; McReynolds.

HB 1420 ON THIRD READING (by Hardcastle and Christian)

HB 1420, A bill to be entitled An Act relating to the use of a portion of medical school tuition for student loan repayment assistance for physicians.

A record vote was requested.

HB 1420 was passed by (Record 345): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Cook, R.; Jones, J.; Keel; King; Reyna; Ritter; Truitt.

STATEMENT OF VOTE

When Record No. 345 was taken, my vote failed to register. I would have voted yes.

Keel

**HB 3484 ON THIRD READING
(by Delisi and Uresti)**

HB 3484, A bill to be entitled An Act relating to health care coverage and services and other infrastructures for employed persons with disabilities.

HB 3484 was passed.

**HB 1199 ON THIRD READING
(by Krusee, McCall, Driver, Denny, Hamilton, et al.)**

HB 1199, A bill to be entitled An Act relating to local option elections for the sale of alcoholic beverages; providing a criminal penalty.

HB 1199 was passed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**HB 2723 ON THIRD READING
(by Gutierrez)**

HB 2723, A bill to be entitled An Act relating to alternative teaching certification of persons holding certain advanced academic degrees.

HB 2723 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Dunnam offered the following amendment to **HB 2723**:

Amend **HB 2723**, on third reading, on page 1, line 20, by inserting the following after the period:

A certificate issued under this section may not permit a person to teach any subject of the elementary school curriculum as prescribed under Section 28.002.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 2723, as amended, was passed by (Record 346): 97 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Edwards; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hopson; Howard; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney;

Laubenberg; Madden; Marchant; McCall; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Zedler.

Nays — Alonzo; Bailey; Bonnen; Brown, F.; Burnam; Canales; Castro; Chavez; Coleman; Cook, B.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Ellis; Farabee; Farrar; Gallego; Hochberg; Hodge; Hope; Hunter; Kuempel; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Phillips; Rodriguez; Rose; Solis; Thompson; Uresti; Wise.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Isett.

Absent — Driver; Flores; Garza; Hughes; Jones, J.; Woolley.

STATEMENTS OF VOTE

I was shown voting no on Record No. 346. I intended to vote yes.

B. Cook

I was shown voting yes on Record No. 346. I intended to vote no.

Eiland

When Record No. 346 was taken, I was in the house but away from my desk. I would have voted no.

Garza

I was shown voting yes on Record No. 346. I intended to vote no.

Guillen

I was shown voting yes on Record No. 346. I intended to vote no.

Hopson

I was shown voting yes on Record No. 346. I intended to vote no.

Keel

I was shown voting yes on Record No. 346. I intended to vote no.

Raymond

I was shown voting yes on Record No. 346. I intended to vote no.

Telford

I was shown voting yes on Record No. 346. I intended to vote no.

Villarreal

(Speaker in the chair)

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 5 ON SECOND READING
(by Grusendorf, Marchant, Wilson, Hill, Heflin, et al.)**

CSHB 5, A bill to be entitled An Act relating to public school finance.

CSHB 5 - POINT OF ORDER

Representative Wilson raised a point of order against further consideration of **CSHB 5** under Rule 4, Section 20(b) and (c) of the House Rules on the grounds that the committee report is missing a witness affirmation form from a witness who testified before the committee.

The speaker sustained the point of order.

The ruling precluded further consideration of **CSHB 5**.

**CSHB 2292 ON SECOND READING
(by Wohlgemuth and Heflin)**

CSHB 2292, A bill to be entitled An Act relating to the provision of health and human services in this state, including the powers and duties of the Health and Human Services Commission and other state agencies; providing penalties.

(Stick in the chair)

CSHB 2292 - POINT OF ORDER

Representative Rodriguez raised a point of order against further consideration of **CSHB 2292** under Rule 4, Section 20(a)(2) of the House Rules on the grounds that the committee report contains an incomplete witness affirmation form.

MEMORANDUM BY REPRESENTATIVE RODRIGUEZ

Texas House Rule 4, Sec. 20(a) states, "The committee coordinator, under the direction of the Committee on House Administration, shall prescribe the form of a sworn statement to be executed by all persons, other than the members, who wish to be recognized by the chair to address the committee. The statement shall provide for showing at least:

- (1) the committee or subcommittee;
- (2) the name, address, and telephone number of the person appearing;"

The witness affirmation forms for Joaquin Correa and Mandy Castillo fail to include phone numbers on the forms as required by Rule 4, Sec. 20(a)(2). (Please see attached copies of the witness affirmation forms.)

Rule 4, Sec. 20 is the basic foundation for open and transparent government as it provides a complete record of individuals testifying at open meetings. This record allows the public to know which individuals and organizations oppose or

support legislation. The requirement for a name, address, and telephone number of the person appearing facilitates the public's right to know and allows a means to contact witnesses to gain more information about the bill.

Furthermore, House Precedent requires witness affirmation forms to contain sufficient information to allow contact with testifying witnesses in a timely manner. Previous rulings from the chair corroborate the need for an address and telephone number as the minimum requirement to fulfill this rule. See 75 H. J. Reg. 3896(1997).

Finally, Rule 4, Sec. 20(b) states, "No person shall be recognized by the chair to address the committee...until the sworn statement has been filed with the chair of the committee. The chair of the committee shall indicate on the sworn statement whether the person completing the statement was recognized to address the committee." According to this rule witnesses must complete and file a sworn statement before providing testimony. Neither of the attached sworn statements are complete as they both fail to provide phone numbers as required by House Rules.

For the foregoing reasons, the point of order should be sustained.

(Speaker in the chair)

POINT OF ORDER DISPOSITION

The speaker overruled the point of order for the following reason:

Mr. Rodriguez raises a point of order against further consideration of **HB 2292** under Rule 4, Section 20(a)(2), in that two witness affirmation forms on file with the committee minutes failed to include a telephone number for those witnesses.

Review of the witness affirmation forms shows that two forms did not include telephone numbers for the witnesses. One form has an ambiguous entry of what appears to be "N/A"; the other form is left entirely blank on the line for entry of a telephone number.

Mr. Rodriguez directs the chair's attention to a precedent at 75 H.J. Reg. 3896(1997), in which the speaker overruled a point of order that a witness affirmation form failed to include both a home and a business address of the individual. The speaker in that ruling stated, "the purpose of the rule is to provide sufficient information to allow an interested party to contact a witness regarding the testimony given by the witness during the committee hearing." In that specific situation, the chair then found that one address and one telephone number was sufficient for the purpose of the rule to be fulfilled.

In this case, the signed witness affirmation forms include a complete address. The chair has no way of determining whether the witnesses had telephone numbers to enter, nor whether the chair of the committee specifically requested that information when recognizing the witnesses. Under these circumstances, the chair finds that inclusion of the complete mailing address is sufficient for the purpose of the rule to be satisfied.

Accordingly, the point of order is respectfully overruled.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

- (1) On page 62, line 10, strike "(a)".
- (2) On page 62, strike lines 21 through 26.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

- (1) On page 70, between lines 17 and 18, insert the following:
(1) a prior authorization requirement is not imposed for a drug before the drug has been considered at a meeting of the Pharmaceutical and Therapeutics Committee established under Section 531.074;
- (2) On page 70, line 18, strike "(1)" and substitute "(2)".
- (3) On page 70, line 22, strike "(2)" and substitute "(3)".
- (4) On page 70, line 24, strike "(1)" and substitute "(2)".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

- (1) Strike page 80, line 14, through page 81, line 8.
- (2) On page 81, line 9, strike "(e)" and substitute "(c)".
- (c) The program must include:
 - (1) participant smart cards and biometric readers that reside at the point of contact with Medicaid providers, recipients, participating pharmacies, hospitals, and appropriate third-party participants;
 - (2) a secure finger-imaging system that is HIPPA compliant and the use of any existing state database of fingerprint images developed in connection with the financial assistance program under Chapter 31, Human Resources Code;
 - (3) a monitoring system.
- (d) To ensure reliability, the program and all associated hardware and software must easily integrate into participant settings and must be initially tested in a physician environment in this state and determined to be successful in authenticating recipients, providers, and provider staff members before the program is implemented throughout the program area.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

(1) On page 87, line 9, between "assistance" and "through", insert "for acute care".

(2) On page 87, line 12, between "assistance" and "in", insert "for acute care".

(3) On page 87, line 15, between "including" and "Medicaid", insert "the acute care portion of".

(4) On page 88, line 9, between "assistance" and "in", insert "for acute care".

(5) On page 88, line 11, between "assistance" and "through", insert "for acute care".

(6) On page 132, line 5, before "through", insert "for acute care".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

On page 93, line 3, create a new Section 2.33 to read as follows:

SECTION 2.33. Section 533.005, Government Code, is amended by adding a new subsection to read as follows:

(11) A managed care organization shall pay an out-of-network provider for emergency and all post-stabilization services at either:

(1) the Medicaid allowable rate for such services as determined by the Department in accordance with Sections 32.028 and 32.0281 of the Human Resources Code; or

(2) the highest contractual rate paid by the managed care organization to an in-network provider.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

(1) On page 128, line 12, strike "HEALTH, ABSTINENCE, AND MARITAL" and substitute "HEALTHY MARRIAGE".

(2) On page 128, line 14, strike "health, abstinence, and marital" and substitute "healthy marriage".

(3) On page 128, line 17, strike "health, abstinence, and marital" and substitute "healthy marriage".

(4) On page 129, line 11, strike "health, abstinence, and marital" and substitute "healthy marriage".

(5) On page 129, line 17, strike "health, abstinence, and marital" and substitute "healthy marriage".

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

- (1) On page 143, strike lines 22 and 23.
- (2) On page 143, line 24, strike "(2)" and substitute "(1)".
- (3) On page 143, line 25, strike "(3)" and substitute "(2)".
- (4) On page 143, line 26, strike "(4)" and substitute "(3)".
- (5) On page 144, line 12, strike "provider of medical assistance" and substitute "Medicaid managed care plan".
- (6) On page 144, strike lines 17-25.

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** on page 170, between lines 21 and 22, by inserting the following:

(c) An advisory committee that is created on or after the effective date of this section or that is exempt under Subsection (b) of this section from abolition shall make recommendations to the executive director of the health and human services agency the advisory committee was created to advise and to the commissioner of health and human services to assist with eliminating or minimizing overlapping functions or required duties between the health and human services agencies or between those agencies and the Health and Human Services Commission.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

Section 2.09. On page 66, between line 13, by adding a new subsection (b) and (c) to read as follows and reletter accordingly:

(a) For purposes of this section, the term "supplemental rebates" shall mean cash rebates paid by a pharmaceutical manufacturer to the State on the basis of quarterly Medicaid utilization data relating to such manufacturer's products, pursuant to a State supplemental rebate agreement negotiated with such manufacturer and approved by the federal government under Section 1927 of the federal Social Security Act.

(b) The commission may enter into a written agreement with a manufacturer to accept certain program benefits in lieu of supplemental rebates, as such term is defined herein, only if:

1) the program benefit yields a savings that will offset expenditures during the current biennium;

2) the manufacturer guarantees and posts a performance bond in the amount of the anticipated savings; and

3) the program benefit is in addition to other program benefits currently offered by the manufacturer to recipients of medical assistance or related programs.

(c) For the purposes of this section, a program benefit means as a disease management programs authorized under this title, a drug product donation programs, drug utilization control programs, prescriber and beneficiary counseling and education, fraud and abuse initiatives, and other services or administrative investments with guaranteed savings to a program operated by a health and human service agency.

(d) Other than as required to satisfy the provisions of this section, such program investments shall be deemed an alternative to, and not the equivalent of, supplemental rebates and shall be treated in the State's submissions to the federal government (including, as appropriate, waiver requests and quarterly Medicaid claim) so as to maximize the availability of federal matching payments."

Amend proposed **CSHB 2292**, in Section 2.09 of the bill, in proposed Sec. 531.070, Government Code by adding a new subsection (3) on page 67, line 11 to read as follows:

(3) Other program benefits as specified in subsection (b).

Amend proposed **CSHB 2292**, in Section 2.11 of the bill, in proposed Sec. 531.072, Government Code by adding a new subsection (4) on page 69, line 3 to read as follows:

(4) "Program benefit offerings solely or in conjunction with rebates and other pricing information."

Amend proposed **CSHB 2292**, in Section 2.13 of the bill, in proposed Sec. 531.074 (h), Government Code on page 73, line 4, by striking "~~of~~" and inserting the following between "cost-effectiveness" and "a":

"and any program benefit associated with"

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

Section 2.42. On page 102, line 25, strike the words "applies to be" and insert the word "is".

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

On page 122, strike line 25 through line 5, page 123, and insert:

(c) ~~[This section does not prohibit the department]~~ The Texas Workforce Commission, the Health and Human Services Commission, or any other health and human services agency, as defined by Section 531.001, Government Code, [from providing] may not deny medical assistance, child care, or any other social or support services ~~[for an individual subject to sanctions or penalties under this chapter]~~ unless the recipient of financial assistance has failed to comply with the requirements of subsection 31.0031, Human Resources Code.

Amendment No. 11 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 2292 - (consideration continued)

Amendment No. 11 - Vote Reconsidered

Representative Wohlgemuth moved to reconsider the vote by which Amendment No. 11 was adopted.

The motion to reconsider prevailed.

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

Section 2.83. On page 143, strike lines 22-23, and renumber subsequent subsections accordingly.

On page 144, line 12, "the provider of medical assistance" and insert "Medicaid managed care plan".

On page 144, strike lines 17-25.

Amendment No. 12 was withdrawn.

Amendment No. 13

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

(1) On page 156, by strike lines 4 and 5 and substitute the following:

SECTION 2.89. (a) Sections 2(a) and (c), Article 4.11, Insurance Code, are amended to read as follows:

(a) "Carrier" means any insurer, managed care organization, or group hospital service plan transacting any such insurance business in this state including companies operating under the provisions of Chapters 841, 842, 843, 861, 881, 882, 883, 884, 941, 942, and 982, ~~[3, 8, 11, 13, 15, 18, 19, 20, 20A, and 22 of the]~~ Insurance Code, Chapter 533, Government Code, or Title XIX of the federal Social Security Act. The term does not include [but excluding] local mutual aid associations, fraternal benefit societies or associations, and societies

that limit their membership to one occupation. For purposes of computing the premium tax under this article, a managed care organization shall be treated in the same manner as a health maintenance organization.

(2) In Article 2 of the bill, insert the following new SECTIONS, appropriately numbered, and renumber subsequent SECTIONS of the bill appropriately:

SECTION 2._____. Article 27.05, Insurance Code, is amended to read as follows:

Art. 27.05. EXEMPTION FROM PREMIUM TAX. The issuer of a children's health benefit plan approved under Article 27.03 of this code is not subject to the premium tax imposed by Article 4.11 of this code or the tax on revenues imposed under Section 33, Texas Health Maintenance Organization Act (Article 20A.33, Vernon's Texas Insurance Code), with respect to money received for coverage provided under this plan.

SECTION 2._____. Chapter 27, Insurance Code, is amended by adding Article 27.07 to read as follows:

Art. 27.07. INAPPLICABILITY TO CERTAIN PLANS. This chapter does not apply to a health benefit plan provided under the state Medicaid program or the state child health plan.

Amendment No. 13 was adopted without objection.

Amendment No. 14

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

On page 168, between lines 15 and 16, insert a new SECTION 2.105 to read as follows:

SECTION 2.105. STUDY: REVENUE ENHANCEMENT RELATED TO MEDICAID VENDOR DRUG REBATE.

(a) A task force is created to study the prescription drug rebate system established and operated under the medical assistance program and other related programs.

(b) The commission shall establish a task force, composed of appropriate legislators, state agency personnel, and other appropriate personnel to study the prescription drug rebate system established and operated under the medical assistance program and other related programs.

(c) The study must include:

(1) a background on the development and operation of the federal vendor drug rebate and state supplemental rebate system;

(2) a description of current and historical state efforts to develop and implement alternatives to the federal vendor drug rebate system;

(3) a review of any relevant case law or legal precedents related to the vendor drug rebate system;

(4) an analysis of state implementation, including attempted implementation, of an exemption of federal requirements, including the federal Social Security Act, related to vendor drug rebates, prior authorization provisions, and formulary; and,

(5) feasibility of developing either an alternative rebate system or other mechanism to enhance the state's share of prescription drug rebate.

(d) The study must be completed by December 1, 2004 and presented to the Governor and the presiding officers of each house, the House Committee on Appropriations, and the Senate Finance Committee.

Renumber subsequent sections appropriately.

Amendment No. 14 was adopted without objection.

Amendment No. 15

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

Create a new Section to read as follows:

SECTION 2. _____. Section 533.012, Government Code, is amended by adding a new subsection to read as follows:

(4) a description and breakdown of all funds paid to the managed care organization, including a health maintenance organization, primary care case management, and an exclusive provider organization, necessary for the commission to determine the actual cost of administering the managed care plan.

Amendment No. 15 was adopted without objection.

Amendment No. 16

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

Create a new Section to read as follows:

SECTION 2. _____. Section 533.012, Government Code, is amended by adding a new subsection to read as follows:

(4) a description and breakdown of all funds paid to the managed care organization, including a health maintenance organization, primary care case management, and an exclusive provider organization, necessary for the commission to determine the actual cost of administering the managed care plan.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** in ARTICLE 2 of the bill by inserting the following new SECTION, appropriately numbered, and renumbering subsequent sections of the article accordingly:

SECTION _____. (a) Section 242.047, Health and Safety Code, is amended to read as follows:

Sec. 242.047. ACCREDITATION REVIEW TO SATISFY ~~INSPECTION OR CERTIFICATION REQUIREMENTS~~. (a) The department shall accept an annual accreditation review from the Joint Commission on Accreditation of Health Organizations for a nursing home instead of an inspection for renewal of a license under Section 242.033 and in satisfaction of the requirements for certification by the department for participation in the medical assistance program under Chapter 32, Human Resources Code, and the federal Medicare program, but only if:

(1) the nursing home is accredited by the commission under the commission's long-term care standards;

(2) the commission maintains an annual inspection or review program that, for each nursing home, meets the department's applicable minimum standards as confirmed by the board;

(3) the commission conducts an annual on-site inspection or review of the home; ~~and~~

(4) the nursing home submits to the department a copy of its annual accreditation review from the commission in addition to the application, fee, and any report required for renewal of a license or for certification, as applicable; and

(5) the department has:

(A) determined whether a waiver or authorization from a federal agency is necessary under federal law, including for federal funding purposes, before the department accepts an annual accreditation review from the joint commission:

(i) instead of an inspection for license renewal purposes;

(ii) as satisfying the requirements for certification by the department for participation in the medical assistance program; or

(iii) as satisfying the requirements for certification by the department for participation in the federal Medicare program; and

(B) obtained any necessary federal waivers or authorizations.

(b) The department shall coordinate its licensing and certification activities with the commission.

(c) The department and the commission shall sign a memorandum of agreement to implement this section. The memorandum must provide that if all parties to the memorandum do not agree in the development, interpretation, and implementation of the memorandum, any area of dispute is to be resolved by the board.

(d) Except as specifically provided by this section, this ~~[This]~~ section does not limit the department in performing any duties and inspections authorized by this chapter or under any contract relating to the medical assistance program under Chapter 32, Human Resources Code, and Titles XVIII and XIX of the Social Security Act (42 U.S.C. Sections 1395 et seq. and 1396 et seq.), including authority to take appropriate action relating to an institution, such as closing the institution.

(e) This section does not require a nursing home to obtain accreditation from the commission.

(b) Not later than October 1, 2003, the Texas Department of Human Services shall:

(1) determine whether a waiver or authorization from a federal agency is necessary under federal law, including for federal funding purposes, before the department may accept an annual accreditation review from the Joint Commission on Accreditation of Health Organizations for a nursing home:

(A) instead of an inspection for purposes of renewing a nursing home license under Chapter 242, Health and Safety Code;

(B) as satisfying the requirements for certification by the department for participation in the medical assistance program under Chapter 32, Human Resources Code; and

(C) as satisfying the requirements for certification by the department for participation in the federal Medicare program; and

(2) if the department determines that a waiver or authorization is necessary, request any required waivers or authorizations that the department may possibly obtain under federal law.

(c) Not later than December 1, 2003, the Texas Department of Human Services shall report its progress under Subsection (b) of this section to the governor and to the presiding officer of each house of the legislature.

Representative Uresti moved to table Amendment No. 17.

The motion to table was lost.

Amendment No. 17 was adopted.

Amendment No. 18

Representative Wohlgemuth offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** as follows:

(1) On page 11, line 11, strike "and".

(2) On page 11, line 13, strike the underlined period and substitute:

;
(5) the office for the blind to provide and coordinate programs for the treatment, rehabilitation, and benefit of persons who are blind or visually impaired;

(6) the office for the deaf and hard of hearing to provide and coordinate programs for the treatment, rehabilitation, and benefit of persons who are deaf or hard of hearing; and

(7) the office of rehabilitation services to provide and coordinate programs for the rehabilitation of persons with disabilities so that they may prepare for and engage in a gainful occupation or achieve maximum personal independence.

(3) On page 18, strike lines 22 and 23 and substitute "health, mental health, or substance abuse."

(4) On page 27, line 1, after the semicolon, insert "and".

(5) On page 27, line 3, strike "and" and substitute ":

(6) On page 27, strike lines 4 and 5.

(7) On page 37, strike lines 9 and 10 and substitute "and persons with developmental disabilities or mental retardation."

(8) On page 44, strike lines 10-15 and substitute:
treatment, rehabilitation, or benefit of persons with developmental disabilities or mental retardation;

(9) On page 49, strike lines 5-8 and substitute the following:
activities of the Texas Rehabilitation Commission;

(5) all powers, duties, functions, programs, and activities of the Texas Commission for the Blind;

(6) all powers, duties, functions, programs, and activities of the Texas Commission for the Deaf and Hard of Hearing; and

(7) all rulemaking and policymaking authority for the

(10) On page 51, strike lines 13 and 14 and renumber the remaining subdivisions in that subsection appropriately.

(11) On page 55, line 21, after the semicolon, insert "and".

(12) On page 55, strike lines 22-26.

(13) On page 55, line 27, strike "(5)" and substitute "(3)".

Amendment No. 19

Representative Solis offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 by Wohlgemuth to **CSHB 2292** by adding the following appropriately numbered items to the amendment:

() On page 14, line 1, strike "Subchapter K" and substitute "Subchapters K, L, and M".

() On page 17, between lines 18 and 19, insert the following:

SUBCHAPTER L. COUNCIL FOR THE BLIND, DEAF, AND HARD OF HEARING

Sec. 531.421. DEFINITION. In this subchapter, "council" means the Council for the Blind, Deaf, and Hard of Hearing.

Sec. 531.422. COUNCIL FOR THE BLIND, DEAF, AND HARD OF HEARING. (a) The Council for the Blind, Deaf, and Hard of Hearing is created to advise the commissioner and the offices for the blind and for the deaf and hard of hearing regarding programs and services for those populations.

(b) The council is composed of nine members of the public appointed by the governor. To be eligible for appointment to the council, a person must have demonstrated an interest in and knowledge of problems and available services for persons who are blind, deaf, or hard of hearing.

(c) Chapter 551 applies to the council.

(d) Chapter 2110 does not apply to the council.

Sec. 531.423. APPOINTMENTS. (a) Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(b) Appointments to the council shall be made so that each geographic area of the state is represented on the council.

Sec. 531.424. TRAINING PROGRAM FOR COUNCIL MEMBERS. (a) A person who is appointed as a member of the council may not vote, deliberate, or be counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission and the council;

(2) the programs operated by the commission;

(3) the role and functions of the commission and the council, including detailed information regarding the advisory responsibilities of the council;

(4) the rules of the commissioner applicable to the commission, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the commission;

(6) the results of the most recent formal audit of the commission;

(7) the requirements of:

(A) the open meetings law, Chapter 551;

(B) the public information law, Chapter 552;

(C) the administrative procedure law, Chapter 2001; and

(D) other laws relating to public officials, including conflict-of-interest laws; and

(8) any applicable ethics policies adopted by the commissioner or the Texas Ethics Commission.

Sec. 531.425. TERMS. (a) Council members serve for staggered six-year terms with the terms of three members expiring February 1 of each odd-numbered year.

(b) A member of the council may not serve more than two consecutive full terms as a council member.

Sec. 531.426. VACANCY. The governor by appointment shall fill the unexpired term of a vacancy on the council.

Sec. 531.427. PRESIDING OFFICER; OTHER OFFICERS; MEETINGS. (a) The governor shall designate a member of the council as the presiding officer to serve in that capacity at the pleasure of the governor.

(b) The members of the council shall elect any other necessary officers.

(c) The council shall meet quarterly and at other times at the call of the presiding officer. The council may hold meetings in different areas of the state.

Sec. 531.428. REIMBURSEMENT FOR EXPENSES. A council member may not receive compensation for service as a member of the council but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the council as provided by the General Appropriations Act.

Sec. 531.429. PUBLIC INTEREST INFORMATION AND COMPLAINTS. (a) The commissioner, with the advice of the council, shall prepare information of public interest describing the functions of the commission

and the procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the public and appropriate state governmental entities.

(b) The commissioner by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the commission for directing complaints to the commission.

Sec. 531.430. PUBLIC ACCESS AND TESTIMONY. The commissioner shall develop and implement policies that provide the public with a reasonable opportunity to appear before the council or commissioner and to speak on any issue under the jurisdiction of the commission.

Sec. 531.431. POLICYMAKING AND MANAGEMENT RESPONSIBILITIES. The commissioner, with the advice of the council, shall develop and the commission shall implement policies that clearly delineate the policymaking responsibilities of the commissioner from the management responsibilities of the commission and the staff of the commission.

SUBCHAPTER M. REHABILITATION COUNCIL

Sec. 531.441. DEFINITION. In this subchapter, "council" means the Rehabilitation Council.

Sec. 531.442. REHABILITATION COUNCIL. (a) The Rehabilitation Council is created to advise the commissioner and the office of rehabilitation services regarding programs and services for persons with disabilities other than developmental delay and mental retardation.

(b) The council is composed of nine members of the public appointed by the governor. To be eligible for appointment to the council, a person must have demonstrated an interest in and knowledge of problems and available services related to the child health plan program, the financial assistance program under Chapter 31, Human Resources Code, the medical assistance program under Chapter 32, Human Resources Code, or the nutritional assistance programs under Chapter 33, Human Resources Code.

(c) Chapter 551 applies to the council.

(d) Chapter 2110 does not apply to the council.

Sec. 531.443. APPOINTMENTS. (a) Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(b) Appointments to the council shall be made so that each geographic area of the state is represented on the council.

Sec. 531.444. TRAINING PROGRAM FOR COUNCIL MEMBERS. (a) A person who is appointed as a member of the council may not vote, deliberate, or be counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission and the council;

(2) the programs operated by the commission;

(3) the role and functions of the commission and the council, including detailed information regarding the advisory responsibilities of the council;

(4) the rules of the commissioner applicable to the commission, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the commission;

(6) the results of the most recent formal audit of the commission;

(7) the requirements of:

(A) the open meetings law, Chapter 551;

(B) the public information law, Chapter 552;

(C) the administrative procedure law, Chapter 2001; and

(D) other laws relating to public officials, including conflict-of-interest laws; and

(8) any applicable ethics policies adopted by the commissioner or the Texas Ethics Commission.

Sec. 531.445. TERMS. (a) Council members serve for staggered six-year terms with the terms of three members expiring February 1 of each odd-numbered year.

(b) A member of the council may not serve more than two consecutive full terms as a council member.

Sec. 531.446. VACANCY. The governor by appointment shall fill the unexpired term of a vacancy on the council.

Sec. 531.447. PRESIDING OFFICER; OTHER OFFICERS; MEETINGS.

(a) The governor shall designate a member of the council as the presiding officer to serve in that capacity at the pleasure of the governor.

(b) The members of the council shall elect any other necessary officers.

(c) The council shall meet quarterly and at other times at the call of the presiding officer. The council may hold meetings in different areas of the state.

Sec. 531.448. REIMBURSEMENT FOR EXPENSES. A council member may not receive compensation for service as a member of the council but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the council as provided by the General Appropriations Act.

Sec. 531.449. PUBLIC INTEREST INFORMATION AND COMPLAINTS. (a) The commissioner, with the advice of the council, shall prepare information of public interest describing the functions of the commission and the procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the public and appropriate state governmental entities.

(b) The commissioner by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the commission for directing complaints to the commission.

Sec. 531.450. PUBLIC ACCESS AND TESTIMONY. The commissioner shall develop and implement policies that provide the public with a reasonable opportunity to appear before the council or commissioner and to speak on any issue under the jurisdiction of the commission.

Sec. 531.451. POLICYMAKING AND MANAGEMENT RESPONSIBILITIES. The commissioner, with the advice of the council, shall develop and the commission shall implement policies that clearly delineate the policymaking responsibilities of the commissioner from the management responsibilities of the commission and the staff of the commission.

Amendment No. 19 was adopted without objection.

Amendment No. 18, as amended, was adopted without objection.

Amendment No. 20

Representative Coleman offered the following amendment to **CSHB 2292**:

Amend **CSHB 2292** by striking Article 1.

Representative Wohlgemuth moved to table Amendment No. 20.

A record vote was requested.

The motion to table prevailed by (Record 347): 86 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Flynn; Gattis; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Farabee; Farrar; Flores; Gallego; Garza; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Canales; Geren; Hardcastle; Kolkhorst; Puente; Stick; Turner.

HB 2292 - PARLIAMENTARY INQUIRY

REPRESENTATIVE DUNNAM: Just in layman's terms, is the effect of the ruling that from now on, if a witness affirmation form contains the complete address of an individual, but not the phone number, that that will be deemed sufficient under the rules?

MR. SPEAKER: Mr. Dunnam, would you restate your point? We were having trouble hearing.

DUNNAM: Is the effect of the ruling that henceforth, if a witness affirmation form has a complete address for the witness, but does not have a phone number, that that will be deemed sufficient?

MR. SPEAKER: That is correct.

REMARKS ORDERED PRINTED

Representative Dunnam moved to print remarks by the Speaker and Representative Dunnam.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Agriculture and Livestock, 15 minutes after final recess today, E2.016, for a public hearing.

Corrections, upon final recess today, Desk 1, for a formal meeting, to consider **CSHB 1715**.

FIVE DAY POSTING RULE SUSPENDED

Representative Grusendorf moved to suspend the five day posting rule to allow the Committee on Public Education to consider **HB 5**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, upon final recess today, E1.026, for a public hearing, to complete yesterday's posted agenda.

Juvenile Justice and Family Issues, 7:45 p.m., usual committee room.

State Health Care Expenditures, Select, upon final recess today, Desk 39, for a formal meeting, to consider pending legislation.

Criminal Jurisprudence, upon final recess today, Desk 59, for a formal meeting, to consider **HB 2686**, **SB 1224**, and pending business.

Judicial Affairs, upon final recess today, Desk 70, for a formal meeting.

Urban Affairs, will continue meeting, E1.011.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

INTERPRETERS FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Julie Allnutt and Ella Anderson.

PROVIDING FOR RECESS

Representative Ellis moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow.

The motion prevailed without objection.

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

In accordance with a previous motion, the house, at 7:46 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 841 (By Farrar), Honoring Michele Leal of Clear Lake for her notable contributions as a participant in the Texas Legislative Internship Program.

To Rules and Resolutions.

HR 842 (By Krusee), Honoring Dr. Ernie W. Laurence, Sr., on his retirement as superintendent of Hutto Independent School District.

To Rules and Resolutions.

HR 846 (By Hilderbran), In memory of Elvira Hodge of Boerne.

To Rules and Resolutions.

HR 847 (By Hilderbran), In memory of Emma Caraway of Fort Worth.

To Rules and Resolutions.

HR 848 (By Castro), Congratulating U.S. District Judge Edward C. Prado on his nomination to the Fifth Circuit Court of Appeals.

To Rules and Resolutions.

HR 849 (By McReynolds), In memory of Alfred "Bubba" Thomas of Sinton.

To Rules and Resolutions.

HR 853 (By Callegari), Congratulating Stan Stanley on his selection as 2002 Citizen of the Year by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 854 (By Callegari), Congratulating Joe Tays on being named 2001 Citizen of the Year by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 855 (By Callegari), Honoring the life of Bea Baker of Houston.
To Rules and Resolutions.

HR 856 (By J. Jones), Honoring Myrtis Evans Griffin for her selection as one of the "Women of the Year-2003" in conjunction with Women's History Month in Dallas.

To Rules and Resolutions.

HR 859 (By Zedler), Commending Sears, Roebuck and Co. for its military pay policy.

To Rules and Resolutions.

HR 861 (By Craddick), Honoring Bruce and Debbi Willis of Midland on their 30th wedding anniversary.

To Rules and Resolutions.

HR 862 (By Pitts), Honoring TXI for being named to Fortune magazine's list of "America's Most Admired Companies."

To Rules and Resolutions.

HR 863 (By Pitts), Congratulating the Red Oak High School boys' soccer team on winning the UIL Class 4A State Championship.

To Rules and Resolutions.

HR 864 (By Pitts), Honoring ARCHITEXAS on its 25th anniversary.

To Rules and Resolutions.

HR 865 (By Pitts), Commiserating with Bill Randall Pewitt on his 50th birthday.

To Rules and Resolutions.

HR 866 (By Paxton), Honoring Burks Elementary School in McKinney for its commitment to excellence in education.

To Rules and Resolutions.

HR 867 (By Paxton), Honoring Norton Elementary School in Allen for its commitment to excellence in education.

To Rules and Resolutions.

HR 868 (By Paxton), Honoring Eddins Elementary School in McKinney for its commitment to excellence in education.

To Rules and Resolutions.

HR 869 (By Paxton), Honoring Valley Creek Elementary School in McKinney.

To Rules and Resolutions.

HR 870 (By Paxton), Honoring Webb Elementary School in McKinney for its commitment to excellence in education.

To Rules and Resolutions.

HR 871 (By Paxton), Recognizing the opening of the Dr Pepper/Seven Up Ballpark in Frisco.

To Rules and Resolutions.

HR 872 (By Paxton), Honoring Curtsinger Elementary School in Frisco for its commitment to excellence in education.

To Rules and Resolutions.

HR 873 (By Paxton), Honoring Vaughan Elementary School in Allen for its commitment to excellence in education.

To Rules and Resolutions.

HR 874 (By Paxton), Honoring Reuben Johnson Elementary School in McKinney for its commitment to excellence in education.

To Rules and Resolutions.

HR 875 (By Paxton), Honoring Glen Oaks Elementary School in McKinney for its commitment to excellence in education.

To Rules and Resolutions.

HR 876 (By Paxton), Honoring Green Elementary School in Allen for its commitment to excellence in education.

To Rules and Resolutions.

HR 877 (By Gutierrez and Flores), Honoring Army Support Specialist Edgar Adan Hernandez of Mission on the occasion of his release from captivity in Iraq.

To Rules and Resolutions.

HR 882 (By J. Keffer), Honoring the life of U.S. Marine Private Nolen Ryan Hutchings.

To Rules and Resolutions.

HR 883 (By Callegari), Recognizing April 29, 2003, as Katy Day at the State Capitol.

To Rules and Resolutions.

HR 884 (By Callegari), In memory of Jim Di Iorio of Katy.

To Rules and Resolutions.

HR 885 (By Callegari), Honoring W. D. and Argie Lee Fussell of Katy on their 74th wedding anniversary.

To Rules and Resolutions.

HR 886 (By Campbell), Honoring Kendra Anderson of the Hardin-Simmons University women's basketball team.

To Rules and Resolutions.

HR 887 (By Merritt), Honoring Nancy Grisham on being named the 2003 First Lady of Kilgore.

To Rules and Resolutions.

HR 888 (By Gallego), Honoring Doug Davalos of Sul Ross State University on being named American Southwest Conference West Division Coach of the Year.

To Rules and Resolutions.

HR 889 (By Gallego), In memory of Chief Warrant Officer Johnny Villarreal Mata of Pecos.

To Rules and Resolutions.

HR 894 (By Hill), Honoring Edith Tyloch of North Dallas for her contributions to her community.

To Rules and Resolutions.

HR 897 (By Truitt), Congratulating Brenda and Vern Jackson of Tarrant County on receiving a 2003 STARS award.

To Rules and Resolutions.

HR 898 (By Hamilton), Congratulating Advertising Associates of Beaumont on its 35th anniversary.

To Rules and Resolutions.

HR 899 (By T. Smith), Honoring Vicki Baum of Euless on her receipt of the 2002 Hercules Volunteer Award from United Way of Metropolitan Tarrant County.

To Rules and Resolutions.

HR 900 (By T. Smith), In memory of Don Roger Warren, M.D., of Euless.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 28

HCR 85, HCR 210

Senate List No. 18

SB 240

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 24, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 280

Nelson

Relating to the continuation and functions of the Texas Workforce Commission and to local workforce development boards.

SB 381

Armbrister

Relating to food manufacturer and food wholesaler licensing requirements under the Texas Food, Drug, and Cosmetic Act.

SB 624

Lindsay

Relating to the provision of parks and recreational facilities by certain conservation and reclamation districts; authorizing the issuance of bonds on voter approval.

SB 899

Averitt

Relating to the fees of office and reimbursement of directors of groundwater conservation districts.

SB 933

Shapiro

Relating to a virtual charter school administered by a public senior college or university.

SB 1010

West

Relating to public and common nuisances; providing a penalty.

SB 1017

Wentworth

Relating to the ability of a county to sue and be sued.

SJR 30

Lindsay

Proposing a constitutional amendment relating to the provision of parks and recreational facilities by certain conservation and reclamation districts.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, April 24, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 159

Hamric

SPONSOR: Gallegos

Honoring the life of Jay Jahnke of Houston.

HCR 203

Wise

SPONSOR: Zaffirini

Designating April 2003 as Sexual Assault Awareness Month in Texas.

HCR 205

Wise

SPONSOR: Van de Putte

Designating April 20-26, 2003, as Minority Cancer Awareness Week in Texas.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 24, 2003 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 331

Brimer

Relating to statistical information concerning certain judicial proceedings to bypass parental notice of a minor's abortion.

SB 396

Shapleigh

Relating to a technology immersion pilot project in public schools.

SB 409

Lucio

Relating to the membership of the Texas Transportation Commission.

SB 470

Lindsay

Relating to prohibition of signs and designation of scenic route on Spring-Cypress Road.

SB 699

Shapleigh

Relating to establishment of a public education Internet portal.

SB 1489

Ogden

Relating to recruiting foster parents from certain organizations and immunity from liability of those organizations.

SCR 46

Zaffirini

Designating April of 2003 as Sexual Assault Awareness Month.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 23

Criminal Jurisprudence - **SB 1057**

Defense Affairs and State-Federal Relations - **HB 573, HB 1521, HB 2251, HB 2400, HB 2601, HB 3361, HJR 7, SB 655, SB 814**

Energy Resources - **HB 942**

Environmental Regulation - **HB 2546, HB 2877**

Financial Institutions - **HB 1493, SB 1430**

Government Reform - **HB 3024**

Law Enforcement - **HB 1663**

Licensing and Administrative Procedures - **HB 1241, HB 1487, HB 1998**

Local Government Ways and Means - **HJR 90**

Natural Resources - **HB 489, HB 3374**

Public Health - **HB 1483, HB 1891, HB 2131, HB 3126**

Transportation - **HB 499, HB 534, HB 571, HB 943, HB 1730, HB 1873, HB 2100, HB 2902, HB 2911, HB 2971, HB 3330, SB 553**

ENGROSSED

April 23 - HB 897, HB 1156, HB 1165, HB 1394, HB 1637, HB 1882, HB 1887, HB 1941

ENROLLED

April 23 - HCR 85